

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-MJ-03063-Torres

FILED BY KAN D.C.

IN RE: SEALED COMPLAINT.

/

May 31, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ Ajay J. Alexander
AJAY J. ALEXANDER
Assistant United States Attorney
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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FILED BY KAN D.C.**May 31, 2024**ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami

United States of America

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v.

)

Piotr Chtofman
a/k/a "Petr Shtofman"
a/k/a "Petruka Shtofman,"

)

)

)

Case No. 24-MJ-03063-Torres

Defendant(s)**CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 26, 2024, in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1546

Fraud and Misuse of Visas, Permits, and Other Documents

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

 Continued on the attached sheet.

Complainant's signature

ID#9448

Miranda Ballard, Special Agent HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by TelephoneDate: May 31, 2024

Judge's signature

City and state: Miami, FloridaHonorable Edwin G. Torres, United States Chief Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Miranda Ballard, being duly sworn, state as follows:

1. I am a Special Agent with Homeland Security Investigations (“HSI”), a component of the U.S. Department of Homeland Security (“DHS”), having served in this capacity since June 2019. I am currently assigned to the HSI office in Miami to a group that investigates violations of federal law that occur at or with a nexus to the Miami International Airport. I have conducted numerous investigations involving violations of the United States Code. My primary duties are and have been the investigation of violations of Title 8, 18, 19, and 21 of the United States Code. I have successfully completed numerous training courses and participated in investigations involving immigration benefit fraud, document fraud, and national security. I have served as the affiant for criminal complaints and search warrant applications. I obtained an undergraduate degree and received training at the Federal Law Enforcement Training Center.

2. I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516. As such, I am an "investigative or law enforcement officer" within the meaning of 18 U.S.C. § 2510 (7) and a "federal law enforcement officer" as defined in Rule 41 of the Federal Rules of Criminal Procedure. I am an "Immigration Officer" as defined in 8 CFR § 1.2 and a "Customs Officer" as defined in 19 U.S.C. § 1401(i).

3. I respectfully submit that there is probable cause to believe that violations of 18 U.S.C. § 1546 (Fraud and Misuse of Visas, Permits, and Other Documents) have been committed by Piotr Chtofman a/k/a “Petr Shtofman” a/k/a “Petruka Shtofman”.

4. I base this affidavit on my personal knowledge, training and experience, and information that I have received as a result of my participation in this investigation and a review of documents and information furnished to me by other agents, witnesses, and agencies. I submit

this affidavit for the limited purpose of establishing probable cause for a criminal complaint. Accordingly, this affidavit does not contain all facts known to me regarding this investigation.

STATUTE

5. Pursuant to Title 18, United States Code, Section 1546(a), it is unlawful to knowingly utter, use, attempt to use, possess, obtain, accept or receive any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card or other document prescribed by statute or regulation for entry into the United States knowing it to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained.

PROBABLE CAUSE

6. The U.S. State Department (the “State Department”) administers the Diversity Immigrant Visa Program (the “DV Program”), which provides up to a maximum of 50,000 immigrant visas annually to a random selection of applicants from countries with low rates of immigration to the United States. The State Department’s Foreign Affairs Manual states that “[a]pplicants who establish that they qualify for DV classification are subject to all grounds of ineligibility specified in the Immigration and Nationality Act...” Foreign Affairs Manual, Volume 9, 502.6-4(f). The State Department will inform Diversity Visa applicants whose applications have been approved of the next steps necessary to meet the visa requirements. 22 CFR § 42.33(g). Every alien applying for an immigrant visa and alien registration is required by law to “state his full and true name and any other name which he has used or by which he has been known; age and sex; the date and place of birth; and such additional information necessary to the identification of the applicant and the enforcement of the immigration and nationality laws as may be by regulations prescribed.” 8 U.S.C. § 1202(a).

Piotr Chtofman's DS-260 Application

7. On June 30, 2023, Piotr Chtofman ("CHTOFMAN") submitted an Immigrant Visa (State Department Form DS-260) application to the U.S. Embassy in Paris, France. When CHTOFMAN submitted the DS-260, he signed and submitted the application subject to the perjury warning listed below:

By clicking "Sign and Submit Form" you are electronically signing the form. You are required to electronically sign your form yourself, unless otherwise exempt by regulation, even if the form has been prepared by someone other than yourself. Your electronic signature certifies that you have read and understood the questions on this form and that your answers are true and correct to the best of your knowledge and belief. The submission of a form containing any false or misleading statements may result in the permanent refusal of a visa or the denial of entry into the United States. All declarations made in this form are unsworn declarations made under penalty of perjury (28 U.S.C. 1746). You will be required to swear under penalty of perjury to the statements contained in your application at the time of your visa interview.

The information that you have provided in your application and other information submitted with your application may be accessible to other government agencies that have statutory or other lawful authority to use such information, including for law enforcement and immigrant law enforcement purposes.

CHTOFMAN filed the DS-260 as the principal and only applicant for the DV Program.

[INTENTIONALLY LEFT BLANK]

8. On his DS-260 application, for purposes of identification, CHTOFLMAN provided the following photograph:



He then identified himself as follows:

APPLICANT	
Name Provided:	CHTOFLMAN, PIOTR
Full Name in Native	DOES NOT APPLY/TECHNOLOGY
Language:	NOT AVAILABLE
Other Names Used:	NO

He listed his email address as “Piotr.chtofman.8cie.2rei@gmail.com” and the following social media accounts: Instagram username “Pyatras”; LinkedIn username “Piotr CHTOFLMAN”; and VK¹ user id “20131313”.

9. On his DS-260 application, CHTOFLMAN also stated the following:

- He was born in Arzamas, Russia;
- He was not married;
- He has no children;
- He was a citizen of France and Russia;
- He had both Russian and French passports;
- He spoke and/or reads Russian, French, English, Arabic, and Spanish; and
- He planned to live in the U.S. Virgin Islands after arriving in the United States.

¹ Your affiant has learned from other agents involved in this investigation who routinely investigate Russian matters that “VK” is the Russian equivalent to Facebook.

As for employment, CHTOFLMAN identified “GARDAWORLD EU DELEGATION” (“GardaWorld”) as his employer and had been employed in this capacity since March 30, 2023. He claimed that he worked as a “CLOSE PROTECTION OFFICER” and described his responsibility as follows:

PROTECTING THE CLIENTS FROM PHYSICAL VIOLENCE THREATS
ENSURE SAFETY AND COMFORTABLE DRIVING FOR THE CLIENT IN A
SECURITY CONVOY BUSINESS AND MEETINGS ACCOMPANY FOR THE
CLIENT SURVEYING THE LAYOUT OF VENUES, NOTING POTENTIAL
HAZARDS AND EXPOSURE TO RISKS.

CHTOFLMAN stated that he worked with GardaWorld in Haiti, Afghanistan, and the Saudi Embassy in Baghdad, Iraq.

10. On his DS-260 application, one of the questions read: “Have you ever served in the military?” CHTOFLMAN responded that he served in the French Foreign Legion in France from November 2011 to May 2019 as a paramedic with a “rank/position” as “OR4 TEAM LEADER.”

11. On his DS-260 application, one of the questions read: “Have you belonged to, contributed to, or worked for any professional, social, or charitable organization?” CHTOFLMAN listed the EUROPEAN UNION and AMICALES DES ANCIENS DE LA LEGION ETRANGERE, the latter of which translates from French to English to “Friendships of Alumni Foreign Regions.”

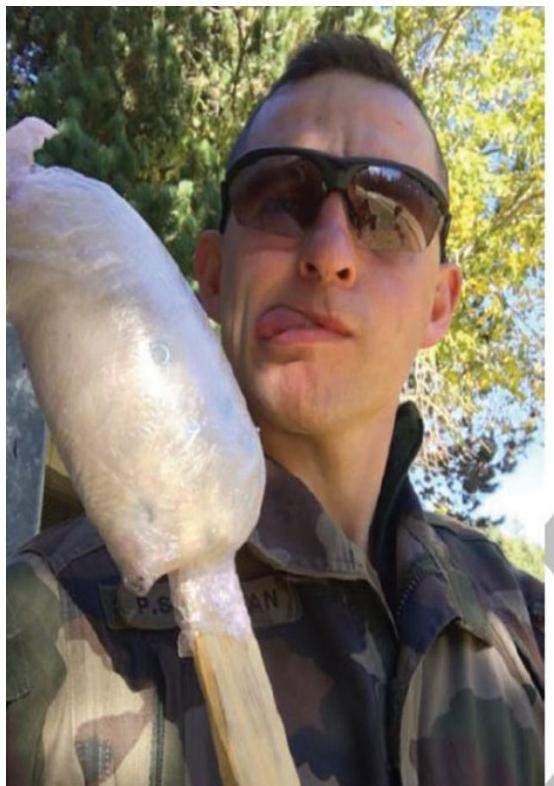
12. On his DS-260 application, one of the questions read: “Have you ever served in, been a member of, or been involved with a paramilitary unit, vigilante unit, rebel group, guerilla group, or insurgent organization?” CHTOFLMAN responded, “NO”.

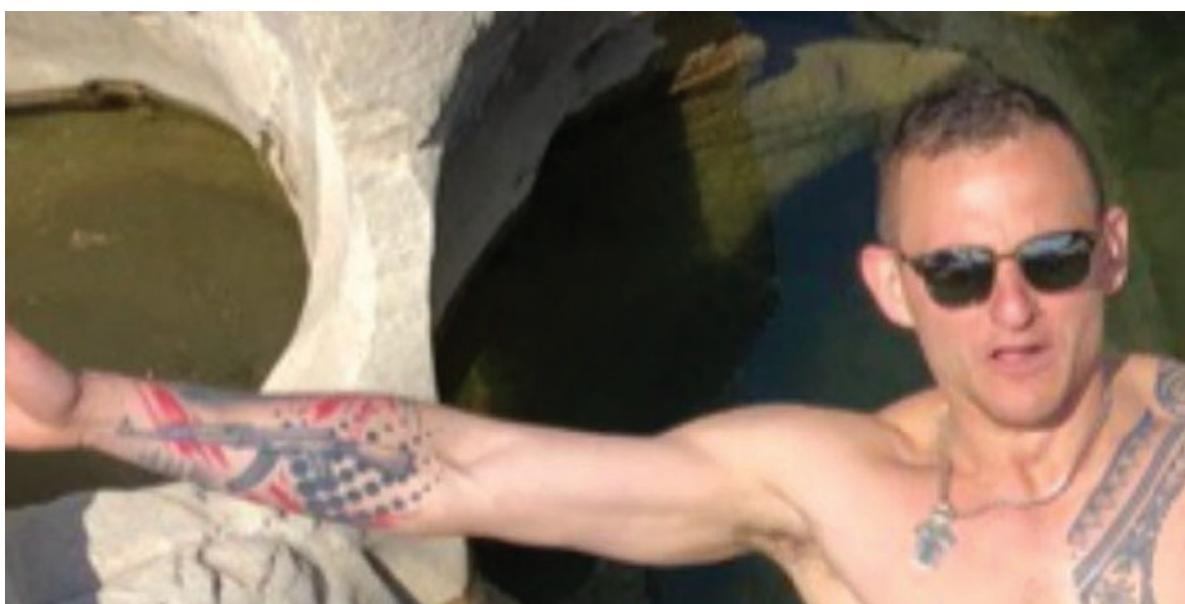
13. On February 28, 2024, the State Department interviewed CHTOFLMAN at the U.S. Embassy in Paris, France. During the interview, CHTOFLMAN reaffirmed the answers that he provided on his DS-260 application. The State Department also noted that CHTOFLMAN claimed

no ties to the Taliban, no travel in ISIS territory, no security concerns, has an official EU passport, and has “no ties to Russia gov.”

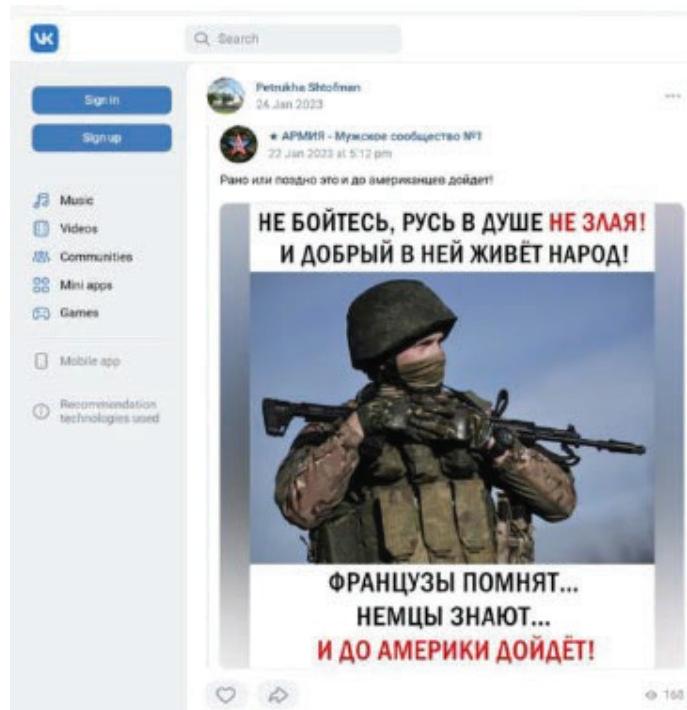
False Statements and Omissions

14. On May 24, 2024, an HSI agent reviewed publicly available information on VK for user id 20131313. The profile depicted images of a man similar to the photograph that CHTOFMAN submitted with his DS-260 application. The name listed on the profile was “Petruka Shtofman.” One of the images on the profile depicted a name patch on a military uniform with “P. S____(not visible)____AN. The user also stated that he was in Unit 27898 in Russia from 2005-2006 and Unit 52531 from 2006-2007. The user also posted photos in military gear and with weapons and tactical gear. The profile also had multiple photos of an individual similar in appearance to the photograph of CHTOFMAN submitted with his DS-260 application bearing unique tattoos, including a tribal head tattoo on his chest and a black rifle with red and black ink on his arm. The images in question are shown below:





15. Among the photos posted by SHTOFLMAN was the below collage/caption of a soldier with a rifle in the Russian language. Translated into English, it states: “Do not fear, Rus’ in [its] soul is not evil! And the people that live in it are kind! The French remember... The Germans know... and [it] will reach America!”



16. On May 24, 2024, and on May 25, 2024, preliminary research into the military units referenced on the VK profile indicate a potential nexus to the Russian military. Unit 27898 may be a military facility/training unit in Belgorod, Russia. Belgorod is located 25 miles from the Ukrainian border and 418 miles south of Moscow, Russia. Publicly available street view mapping of the street address for Unit 27898 reveals a gate with a primarily yellow bird holding two cannons with talons. This could be indicative of Russian military insignia. The street view is pictured below and could pertain to Russian ground forces:



Chtofman Obtains Immigrant Visa

17. The false statements and omissions enabled CHTOFLMAN to obtain an Immigrant Visa. On April 23, 2024, CHTOFLMAN used that Immigrant Visa to enter the United States through the John F. Kennedy International Airport (“JFK Airport”) in Queens, New York, from Paris, France. Your affiant reviewed the DHS’ international travel databases and determined that CHTOFLMAN was processed into the United States on April 23, 2024, at 10:31 pm. He was admitted as an immigrant and became a lawful permanent resident of the United States. However, the travel databases indicated that CHTOFLMAN departed the next morning, April 24, 2024, at 12:30 am back to Paris, France. Based on the short turnaround, your affiant submits that it is likely that CHTOFLMAN never left the JFK Airport between his flights, which means he has never “resided” in the United States.² Furthermore, each of these flights were booked as separate one-way travel itineraries. CHTOFLMAN’s inbound flight reservation from France was booked with the identifiers: “Piotr CHTOFLMAN, French Passport: 18ED34588”. His outbound flight

² In my training and experience, it is highly unusual for an immigrant to enter the United States, be admitted as an immigrant, and then immediately depart approximately two hours later.

reservation back to France approximately two hours later was booked with the identifiers: “Petr SHTOFLMAN, Russian Passport: 753253004”.

Miami International Airport Encounter

18. On May 26, 2024, CHTOFLMAN entered Miami, Florida, located in the Southern District of Florida, on an Air France flight from Charles De Gaulle Airport in Paris, France. U.S. Customs and Border Protection (CBP) encountered CHTOFLMAN and referred him for secondary inspection. During the inspection, CBP Officers asked CHTOFLMAN to present all forms of identification. CHTOFLMAN presented a French passport, which contained his U.S. Immigrant Visa; a Russian passport; and a European Union (EU) passport. During the inspection, CBP Officers asked CHTOFLMAN if he had any distinguishing scars, marks, or tattoos. CHTOFLMAN displayed the same tattoos described in Paragraph 14 to the officers. Immediately following the CBP inspection, HSI agents provided CHTOFLMAN a Miranda Warning, both verbally and in writing, to which CHTOFLMAN waived and agreed to speak with the agents. During this interview, CHTOFLMAN admitted that he had served in the Russian military from 2005 to 2007. He also admitted that he had omitted this military service on his DS-260 application because he felt that due to the Russian-Ukrainian war, the United States would not approve his application.

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CONCLUSION

I submit that there is probable cause, based on the information set forth above, that CHTOFMAN violated Title 18, United States Code, Section 1546.

FURTHER AFFIANT SAYETH NAUGHT.



MIRANDA BALLARD
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by Telephone this 31 day of May, 2024.



HONORABLE EDWIN G. TORRES
UNITED STATES CHIEF MAGISTRATE JUDGE